

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Lisa S. Amaker
919 Chestnut Street
Orangeburg, S.C. 29115

SCDOI File Number 2002-115730

**Consent Order
Imposing Administrative Penalty
and Declaring Eligibility for Relicensure**

This matter comes before me pursuant to an agreement entered into, between the State of South Carolina Department of Insurance and Lisa S. Amaker, an individual previously licensed by the Department to transact insurance business within the State of South Carolina as a resident insurance agent.

On or about July 7, 2003, the Director of Insurance issued his order revoking Lisa Amaker's privilege to transact business as a State of South Carolina resident insurance agent as a result of her failure to pay a fine of \$250 by March 19, 2003, as required by a Consent Order.

Ms. Amaker failed to disclose a fraudulent checks conviction on her South Carolina resident insurance agent license application. However, given the mitigating factors involved, Ms. Amaker had been offered the opportunity to pay a fine of \$250. For personal and financial reasons, Ms. Amaker had elected not to pay the \$250 fine, but on July 17, 2003, Ms. Amaker contacted David Belton, Assistant General Counsel for our Department, and requested a review of the Revocation Order. She then indicated that she was willing to pay the administrative fine, in return for an Order declaring her to be eligible to be re-licensed as a resident insurance agent. In lieu of proceeding forward toward an administrative hearing regarding these issues, the parties agreed to submit the entire matter to me, along with their recommendations, for my summary decision based solely upon the record.

After a thorough review of the record before me, and based upon the consensual recommendations of the parties, I hereby find and conclude as a matter of fact, and Ms. Amaker hereby admits, that she failed to disclose fraudulent check convictions on her South Carolina resident insurance agent license application. Ms. Amaker's conviction is for a crime of moral turpitude. See *State vs. Harrison*, 298 S.C. 333, 380 S.E. 2d. 818 (1989).

I find, as a matter of law, that S.C. Code Ann. § 38-43-130 (Supp. 2002), in pertinent part, states "the Director may... refuse to reissue a license, when it appears that a producer has been convicted of a crime involving moral turpitude..." I further find that under the discretionary authority granted to me in § 38-43-130, I may impose an administrative penalty in lieu of revocation or suspension of a license.

Accordingly, I hereby find that the appropriate sanction for Lisa Amaker's above cited violations of the insurance laws of this State, as a prerequisite to her eligibility for re-issuance of her license to transact business as a State of South Carolina resident insurance agent, is the submission of an administrative penalty in the total amount of \$250. It is further agreed by the parties that the total amount of the administrative penalty must, pursuant to the provisions of S.C. Code Ann. § 38-43-130 (Supp. 2002), be paid within fifteen (15) days from the date of my signature upon this consent order.

By her signature upon this consent order Lisa Amaker acknowledges that she understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(4) (Supp. 2002).

It is, therefore, ordered that Lisa S. Amaker, provided she meets the necessary statutory requirements, is eligible to be re-licensed to transact business as a State of South Carolina resident insurance agent, upon the payment of an administrative penalty in the total amount of \$250.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for its distribution to its member states and a copy be placed in Ms. Amaker's licensing file.

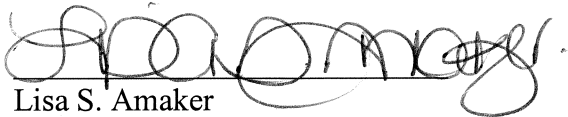
This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director of Insurance

July 31, 2003, at
Columbia, South Carolina

I CONSENT TO THE ABOVE:

A handwritten signature in black ink, appearing to read 'Lisa S. Amaker', written over a horizontal line.

Lisa S. Amaker
919 Chestnut Street
Orangeburg, South Carolina 29115

Dated this 29th day of July, 2003.

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Lisa S. Amaker
919 Chestnut Street
Orangeburg, South Carolina 29115.

SCDOI File Number 2002-115730

**Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Consent Order entered into between the State of South Carolina Department of Insurance and Lisa S. Amaker, a licensed South Carolina resident insurance agent, on March 19, 2003. Among other things, the Consent Order required Lisa Amaker to pay an administrative penalty in the amount of \$250.00 within twenty days. Finally, the Consent Order specifically provided that Lisa Amaker's license would be revoked without any further administrative proceedings upon her failure to timely pay this fine.

The Department is informed and believes that as of July 7, 2003, Lisa Amaker has not paid said fine as required by the Consent Order. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me to summarily revoke her license.

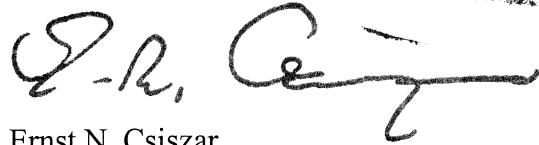
In accordance with my findings of fact, I now conclude, as a matter of law, that Lisa Amaker has failed to comply with the terms of the Consent Order and that the licenses issued to her should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2002), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that Lisa S. Amaker's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Lisa S. Amaker is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

07 July 2003, at
Columbia, South Carolina

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Lisa S. Amaker
919 Chestnut Street
Orangeburg, South Carolina.29115

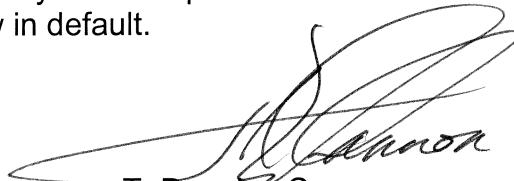
SCDOI File Number 2002-115730

Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

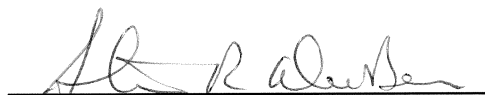
The Department served notice on Lisa S. Amaker at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance agent within the State of South Carolina in ten days. The Department served the Notice, pursuant to § 38-3-170 of the South Carolina Code, by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Lisa Amaker of her opportunity, within ten days, to request in writing a public hearing.

The United States Postal Service effected service of the Notice by certified mail, return receipt requested, and by regular mail, on or about June 26, 2003, which required her to pay a \$250.00 fine. As of this date, Ms. Amaker has made no attempts to pay the fine nor requested a public hearing, or any other response to the Notice. The time in which to do so has expired. She is now in default.



T. Douglas Concannon
Associate General Counsel
South Carolina Department of Insurance
Post Office Box 100105
Columbia, South Carolina 29202-3105
(803) 737-6132

Sworn to and subscribed before me
this 7 day of July, 2002.



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires May 10, 2009

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Ms. Lisa S. Amaker
919 Chestnut Street
Orangeburg, South Carolina 29115.

File Number 2002-115730

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Lisa S. Amaker, a licensed South Carolina resident insurance agent.

Lisa S. Amaker admits, and I hereby find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Delta Loans, she submitted a false application to that insurer. These acts, as alleged, are a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 2002).

Prior to the initiation of any administrative proceedings by the Department against her, Lisa Amaker and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Ms. Amaker's resident insurance agent license, she would waive her right to a public hearing and immediately pay an administrative fine in the total amount of \$250.

Section 38-43-130 of the South Carolina Code provides that "the director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State." This Code section goes on in Subsection (1) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "misstating the facts in an application for insurance or aiding in the misstatement of facts."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Lisa S. Amaker has violated S.C. Code Ann. § 38-43-130(1) (Supp. 2002). As a result, I can now take administrative disciplinary action against her resident insurance agent license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2002), and after carefully considering the recommendation of the parties, I hereby impose against Lisa Amaker an administrative fine in the total amount of \$250. Ms. Amaker must pay that fine within twenty days of the date of my signature upon this consent order. If she does not timely pay that total fine amount, her resident insurance agent license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Lisa S. Amaker before, and of her assurance

that in the future she will comply with the state's insurance laws. The parties expressly agree and understand Lisa Amaker's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

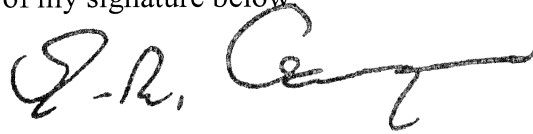
By her signature upon this consent order, Lisa S. Amaker acknowledges that she understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2002).

It is, therefore, ordered that Lisa S. Amaker shall, within twenty days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$250.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Lisa Amaker's licensing file.

This order becomes effective as of the date of my signature below



Ernst N. Csiszar
Director

Mar 19, at
Columbia, South Carolina

I CONSENT:



Lisa S. Amaker
137 Parris Road
Cordova, South Carolina 29039.

Dated this 13th day of March, 2003